

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

VELIA FLORES
Plaintiff,

VS.

SUNG CHO
Defendant.

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§

CIVIL ACTION NO: 5:21-cv-305

DEFENDANT SUNG CHO'S NOTICE OF REMOVAL

A. INTRODUCTION

1. Plaintiff is VELIA FLORES; defendant is SUNG CHO.
2. On January 26, 2021, Plaintiff sued Defendant for damages resulting from an auto accident that occurred in San Antonio, Bexar County, Texas, in the 225th Judicial District Court of Bexar County, Texas.
3. Defendant was served with the suit on March 2, 2021. Defendant files this notice of removal within the 30-day time period required by 28 U.S.C. § 1446(b). *Bd. of Regents of Univ. of Tex. Sys. v. Nippon Tel. & Tel. Corp.*, 478 F.3rd 274, 278 (5th Cir. 2007).

B. BASIS FOR REMOVAL

4. Removal is proper because there is complete diversity between the parties. 28 U.S.C. §1332(a); *Johnson v. Columbia Props. Anchorage, L.P.*, 437 F.3d 894, 899-900 (9th Cir. 2006). Plaintiff is a citizen of Texas. Defendant is a citizen of Louisiana. Additionally, the amount in controversy exceeds \$75,0000, excluding interests and costs. 28 U.S.C. §1332(a); *Andrews v. E.I. du Pont de Nemours & Co.*, 447 F.3d 510, 514-15 (7th Cir. 2006). Plaintiff's Original Petition, attached hereto as **Exhibit A**, demands monetary relief over \$200,000.00 but not more than \$1,000,000.00.

5. Copies of all pleadings, process, orders, and other filings in the state-court suit are attached to this notice as **Exhibits A-H** as required by 28 U.S.C. §1446(a). An index of matters being filed is attached as **Exhibit I**, and a list of all counsel of record is attached as **Exhibit J**.

6. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this district.

7. Defendant will promptly file a copy of this notice of removal with the clerk of the state court where this suit has been pending.

C. JURY DEMAND

8. Plaintiff did demand a jury in the state-court suit.

D. CONCLUSION

9. In accordance with 28 U.S.C. §1441(a), this matter is being removed to the U.S. District Court for the Western District of Texas, San Antonio Division because there is complete diversity between the parties, the amount in controversy is over \$75,000, and the state court where the suit has been pending is located in this district. For these reasons, Defendant asks the Court to remove the suit to the U.S. District Court for the Western District of Texas, San Antonio Division.

Respectfully submitted,

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/s/ *Paul Garcia*

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served in accordance with the Federal Rules of Civil Procedure, this *26th day of March 2021* on the following counsel of record, properly addressed as follows:

Served via: e-mail generated by the CM/ECF E-Filing system on:

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/s/ *Paul Garcia*
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